



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT FILLMORE FIELD OFFICE

35 East 500 North  
Fillmore, UT 84631  
<http://enbb.blm.interwebdesign.com>



In Reply Refer to:  
3800  
(U-010)  
UTU-078274  
UTU-078278  
UTU-078279

RECEIVED

APR 23 2001

DIVISION OF  
OIL, GAS AND MINING

April 18, 2001

MERT HAMILTON  
ASSOCIATE  
ROCANVILLE/WING  
PO BOX 35  
DELTA UT 84624

Dear Mr. Hamilton:

We have received a Transfer of Notice of Intention of a Small Mining Operation, in which you have acquired Levin Stone's operation located in Section 29, T. 18 S., R. 13 W., and serialized UTU-078279. We consider the transfer to be complete, and are sending it to the Utah Division of Oil, Gas and Mining (UDOGM) for their records.

We are of the preliminary opinion the deposit you have claimed is "common variety" and, as such, is not open to location. The proper procedure for mining and disposal of this material is through 43 CFR 3610, mineral material sales, wherein you would relinquish your claims and sign a contract with the Bureau of Land Management to purchase the material at a specified price. We will gladly provide you with information regarding mineral material sales.

If you are convinced that your deposit is locatable, please be aware the Court has set standards to distinguish between common varieties and uncommon varieties of mineral deposits or stone. The standards are:

1. There must be a comparison of the mineral deposit in question with other deposits of such minerals generally;
2. The mineral deposit in question must have a unique property;
3. The unique property must give the deposit a distinct and special value;
4. If the special value is for uses to which ordinary varieties of the mineral are put, the deposit must have some distinct and special value for such use; and
5. The distinct and special value must be reflected in the market place (or in reduced cost or overhead so that the profit to the claimant would be substantially more).



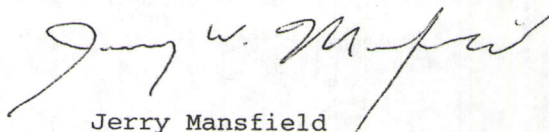
Should a final determination by the Department of Interior be made that this material is, in fact, "common variety", you could be responsible to the United States for the value of this material, damage to the land, and the administrative costs of recovering such compensation.

Enclosed are a copy of the new 43 CFR 3809 Surface Management regulations that became effective on January 20, 2001. On March 23, 2001, the BLM proposed that these regulations be revised or suspended in July, 2001, however until then they do remain in effect, and as outlined in the table on page 70118, any modification of the notice as described in §3809.331 may subject your operations to the new regulations, particularly §3809.101, which would require you to establish an escrow account for the value of the material removed, until such time as a mineral report can be completed that will determine whether the stone is locatable or saleable.

S/027/086  
We are also forwarding to UDOGM a Transfer of Notice of Intention of a Small Mining Operation in which you have assumed reclamation responsibility for the portion of the Levin #1 stone quarry located in Section 34, T. 17 S., R. 13 W. Since this quarry was opened up in trespass, we must complete an environmental review before any more activity can take place within it. An Environmental Assessment (EA) is being prepared. If there is a finding no significant impact, a sales contract for the material will probably be awarded by competitive bid. The winning party will be required to post a reclamation bond and assume the reclamation liability. If no one expresses an interest in buying the material, if you are the winning bidder or if the results of the EA do not sanction further mining, you will be required to complete the reclamation at the earliest feasible time.

If you have any questions, please contact Sheri Wysong at (435)743-3124.

Sincerely,



Jerry Mansfield  
Geologist

Enclosure

November 21, 2000 Federal Register

cc: D. Wayne Hedberg, UDOGM (S/027/086, S/027/087, S/027/090)  
Levin Stone Inc., PO Box 95, Ash Fork, AZ 86320